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Attorneys for Defendants  
Wells Fargo Advisors, LLC, Wells Fargo Advisors  
Financial Network, LLC, Wells Fargo Securities, LLC,  
and Wells Fargo & Company

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THEODORE KAGAN, JAMES AVEN,  
FRANCES LEVY, ELAINE SOFFA, JOSEPH  
SOFFA, and ALBERKRACK FAMILY  
LIMITED PARTNERSHIP, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

WACHOVIA SECURITIES, L.L.C., a North  
Carolina limited liability company; WACHOVIA  
SECURITIES FINANCIAL NETWORK, L.L.C.,  
a North Carolina limited liability company;  
WACHOVIA CAPITAL MARKETS, L.L.C., a  
North Carolina limited liability company;  
WELLS FARGO ADVISORS, L.L.C., a  
Delaware limited liability company; WELLS  
FARGO ADVISORS FINANCIAL NETWORK,  
L.L.C., a Delaware limited liability company;  
WELLS FARGO SECURITIES, L.L.C., a  
Delaware limited liability company; WELLS

No. 09-5337 (SC)

**STIPULATION TO EXTEND  
DEADLINE TO SUBMIT  
SETTLEMENT AGREEMENT FOR  
THE COURT'S APPROVAL**

Judge: Hon. Samuel Conti

FARGO & COMPANY, a Delaware corporation;  
and DOES 1 through 10, inclusive,  
Defendants.

BRENT BALKEMA, as Trustee for the Jesse J.  
Balkema Rev Trust, on behalf of himself and all  
others similarly situated,  
Plaintiffs,

v.

WACHOVIA SECURITIES, LLC, a North  
Carolina limited liability company, WACHOVIA  
SECURITIES FINANCIAL NETWORK, LLC, a  
North Carolina limited liability company,  
WELLS FARGO ADVISORS LLC; a Delaware  
limited liability company, WELLS FARGO  
SECURITIES FINANCIAL NETWORK, LLC, a  
Delaware limited liability company,  
Defendants.

No. CV-11-00412 (SC)

Through this Stipulation, Plaintiffs Theodore Kagan, James Aven, Frances Levy, Elaine Soffa, Joseph Soffa, Alberkrack Family Limited Partnership, and Brent Balkema (“Plaintiffs”) and Defendants Wells Fargo Advisors, LLC (sued under its own name and also under the name “Wachovia Securities, LLC”), Wells Fargo Advisors Financial Network, LLC (sued under its own name and also under the name “Wachovia Securities Financial Network, LLC”), Wells Fargo Securities (sued under its own name and also under the name “Wachovia Capital Markets, LLC”) and Wells Fargo & Company (“Defendants”), collectively referred to herein as the “Parties,” through their counsel of record, stipulate to extend the previously agreed deadline for the parties to submit a class action settlement stipulation and motion for preliminary approval of settlement, which is currently set for September 30, 2011.

WHEREAS, the Parties have in good faith been engaging in discussions regarding confirmatory discovery in connection with the settlement;

WHEREAS, Defendants have encountered unanticipated delays in collecting data requested by Plaintiffs for purposes of confirmatory discovery due to the difficulty of collecting the relevant data (which is more than ten years old);

1 WHEREAS, Plaintiffs will require time to review data produced by Defendants and wish  
2 to take the deposition(s) of relevant employee(s) of Defendants after receiving the data;

3 WHEREAS, the Parties believe that they will be able to complete confirmatory discovery  
4 by October 31, 2011;

5 WHEREAS, the Parties will require some time following confirmatory discovery to  
6 finalize a settlement stipulation and motion for preliminary approval;

7 NOW, THEREFORE, the Parties jointly request and hereby stipulate that the Parties shall  
8 submit a settlement agreement, combined with a stipulation to conditionally certify a class for  
9 settlement purposes, for the Court's approval under Federal Rule of Civil Procedure 23(e), no  
10 later than November 15, 2011.

11 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

12 DATED: September 20, 2011

13 KABATECK BROWN KELLNER LLP

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16 By: /s/ Karen Liao  
Richard L. Kellner  
Karen Liao  
17 Attorneys for Plaintiffs  
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19 DATED: September 20, 2011

20 BINGHAM MCCUTCHEN LLP

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23 By: /s/ Michael D. Blanchard  
Michael D. Blanchard  
Donald S. Davidson  
24 Sarah L. Bishop  
25 Attorneys for Defendants  
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**ATTESTATION**

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/s/) within this e-filed document.

DATED: September 20, 2011

BINGHAM MCCUTCHEN LLP

By: /s/ Sarah L. Bishop  
Michael D. Blanchard  
Donald S. Davidson  
Sarah L. Bishop  
Attorneys for Defendants

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

Pursuant to the stipulation of the Parties and good cause appearing, the deadline for the Parties to submit a class action settlement stipulation and motion for preliminary approval of settlement shall be November 15, 2011.

DATED: September 22, 2011

By: \_\_\_\_\_

